

TRIAL OF BURNS MEN

ON BEFORE JUDGE HILL

Court Overrules
Demurrer in

Case of Lehon
Tedder and

Thurman

Dan S. Lehon, Southern Manager of the Burns Detective Agency; Arthur Thurman, an Atlanta lawyer, and C. C. Tedder, a lawyer's striker and former Atlanta Policeman, Tuesday morning were jointly arraigned before Judge Hill, of Fulton Superior Court, on indictments charging them with Subornation of Perjury in the

Frank case, the specific allegation being that they procured from Rev. C. B. Ragsdale and R. L. Barber two false Affidavits, in which the Affiants swore they overheard Jim Conley confess to another Negro that he had killed a white girl (presumably Mary Phagan) in the National Pencil Factory.

The indictments were returned by a Fulton County Grand Jury at the instance of Solicitor Dorsey in the Spring of 1914, and the trial of the three Defendants has been postponed numerous times. Three times the Solicitor had drawn and presented indictments to the Grand Jury, each time for fear the previous indictments were technically defective and would not stand. As late as Monday morning, he drew new indictments for this reason.

After the witnesses for both sides had been called, Judge Arthur G. Powell, one of the lawyers for the Defendants, moved a continuance of the Case on account of the absence of Morris Brandon the Attorney, claiming Mr. Brandon is a material witness. The motion was made in writing, and Mr. Brandon's materiality was shown in the motion. It was stated that Mr. Brandon questioned Ragsdale and Barber on the day they made their Affidavits and that they were sober and willing to make the Affidavits.

MOTION OVERRULED.

Mr. Brandon was about to take their Affidavits when Luther Rosser, the Attorney, came into the Office, and Ragsdale and Barber were turned over to him.

Judge Hill, after hearing the motion read, very promptly overruled it.

Judge Powell then entered a Demurrer to the indictments on technical grounds and proceeded to argue the same. Judge Hill listened to the argument and overruled the Demurrer, whereupon the trial proceeded with the Selection of a Jury.

Among the witnesses called by the State are Ragsdale, Barber, Boots Rogers, the former County policeman who figured

prominently as a witness at the Frank trial, and Attorney Luther Rosser, leading Counsel for Frank. Jim Conley is expected to be called by the State, although his name was not on the list read out Tuesday morning.

Mr. Rosser is called as a witness by the Defense also.

In addition to Judge Powell, the Defendants are represented by St. Claire Adams, of New Orleans, formerly Public Prosecutor of that City, and by Marion Smith and John A. Boykin.

The prosecution is to be conducted by Solicitor Dorsey and his Assistants.

At 11 o'clock, after four panels of twelve Veniremen, each had been exhausted, six jurors were selected. This exhausted all the Veniremen who were present, and accordingly Judge Hill took a recess until 1 o'clock Tuesday afternoon so that new panels could be drawn from the Jury Box and the Veniremen summoned to Court.

The six jurors selected are as follows:

C. V. Logan, secretary of the J. J. Barnes-Fain Company, wholesale grocers.

R. F. Mobley, of 94 Bryan Street.

Dr. J. A. Wise, a retired Physician of College Park.

John Peacock, 274 Crew Street.

W. A. Simpson, of the Smith & Simpson Lumber Co.

Claude Williamson, Bookkeeper.

REQUEST DENIED.

When Court recessed, Judge Powell of the Defense, asked Judge Hill to allow the remaining Veniremen to be drawn from the Grand Jury Box instead of the Petit Jury Box, explaining that he desired for his Clients the benefit of trial "by our highest type of Citizenry."

Judge Hill denied the request and ordered the Veniremen to be drawn from the Petit Jury box "in the regular way."

The difficulty experienced in getting a Jury is not so much that Veniremen are disqualifying themselves for cause, though some have, as because of the fact that each of the three defendants has twenty strikes, making a Total of sixty strikes on that side, and the State has half that Total, or thirty, making a Grand Total of ninety strikes in the Case, which is three times the number there would be if only one Defendant were on trial.

At the rate of progress Tuesday morning, it will probably take the balance of the day to get a Jury, and the hearing of evidence will not begin until Wednesday. The general opinion in the Court Room is that the trial will consume about one week.

Subornation of Perjury is felony under the laws of Georgia, and is punishable by not less than three nor more than ten years on the Chaingang.
